

U.S. Application Serial No. 09/986,555  
Amendment under 37 CFR 1.116

Attorney Docket No.: Q66984

**AMENDMENTS TO THE DRAWINGS**

**Please consider the attached replacement sheet(s) in response to the Examiner's drawing objection.**

Attachment: 1 Replacement Sheet

**REMARKS**

Claims 1-14 are pending in the application. By this Amendment, a change to the FIG. 2 is attached, and claims 2 and 6 are amended for improved clarity and precision. In view of the foregoing amendments and following remarks, applicant respectfully requests withdrawal of the objection and rejections, and allowance of the claims.

**I. Objection to the drawings**

The Examiner maintains his objections to the drawings. Applicant respectfully disagrees with the Examiner's position that every claim limitation must be shown in the drawings, including equations. However, in the interest of expediting prosecution of this application, applicant has added the equation with the whole multiple K to the drawing, to meet the Examiner's request.

If further modification of the drawings is requested, applicant respectfully requests that the Examiner provide the applicant with more specific information about such a requirement. Otherwise, applicant respectfully requests withdrawal of the objection to the drawings.

**II. Claims 1-8 are not anticipated**

The Examiner maintains his rejection of claims 1-6 and also rejects claims 7-8 under 35 USC 102 in view of Schiff. Applicant respectfully submits that Schiff fails to disclose all of the claimed combinations of features for at least the reasons set forth below.

Applicant respectfully submits that Schiff fails to disclose the "multimedia broadcasting network" as recited in independent claim 1, or synchronization that is common for a multimedia services provider and a user, as recited in independent claim 5. Applicant respectfully submits that Schiff fails to provide any disclosure, on its own, of multimedia broadcasting.

While the Examiner has implied that the disclosure of Schiff supports multimedia broadcasting, he has shown no direct disclosure in Schiff of this claim limitation, nor has he argued that it is inherent or otherwise disclosed. The Examiner appears to have provided no legal basis for this position in the absence of the disclosure of multimedia broadcasting in Schiff. Further, as pointed out by the applicant in the previous response, Schiff is not even capable of supporting the necessary bandwidth for a multimedia broadcast network.

In the present Office Action at page 2, the Examiner responds to the applicant's position by asserting that "it is common for multimedia data (images, audio, movies, etc.) to be stored and transmitted in a digital medium. Therefore, a device capable of transmitting digital information would be able to transmit multimedia data." According to the Examiner, any digital medium can automatically transmit multimedia data. However, applicant respectfully submits that the foregoing statement is simply a statement by the Examiner that has no support in the specification of Schiff, or in any other cited art of record. Applicant respectfully disagrees with the implied assertion by the Examiner that any digital medium can automatically transmit multimedia data, regardless of its structure and/or bandwidth limitations.

Further, applicant respectfully submits that the Examiner has not shown that Schiff discloses the claim limitation in question. Applicant respectfully submits that the Schiff reference itself not only does not disclose the claimed "multimedia broadcasting" recited in claims 1 and 5, but as explained by applicant at the paragraphs bridging pages 7-8 of the remarks, it *would not even be possible* for Schiff to support a multimedia broadcasting network as recited in claim 1, or the synchronization between a multimedia services provider and a user as recited in claim 5.

To this end, the Examiner states that applicant is arguing limitations not in the original claims. However, applicant respectfully submits that the passage in question explains why Schiff does not disclose, and could not even disclose or suggest multimedia broadcasting as recited in claims 1 and 5.

Applicant respectfully submits that dependent claims 2-4, 9, 11 and 13 are allowable by virtue of their dependence from independent claim 1, which is believe to be allowable for at least the reasons discussed above. Further, Applicant respectfully submits that dependent claims 6-8, 10, 12 and 14 are allowable by virtue of their dependence from independent claim 5, which is believe to be allowable for at least the reasons discussed above.

In view of the foregoing responses to the Examiner's positions, applicant respectfully requests withdrawal of the rejection, and allowance of the claims.

### **III. Claims 9-14 would not have been obvious**

Claims 9-14 stand rejected under 35 USC 103 (a) due to alleged obviousness. More specifically, claims 9 and 10 stand rejected due to alleged obviousness based on Schiff in view of Hreha, and claims 11-14 stand rejected due to alleged obviousness based on Schiff in view of Setoyama.

Applicant respectfully submits that dependent claims 9-14, which depend from independent claims 1 or 6 as discussed above, are allowable by virtue of their dependence from claims 1 and 6, which are believed to be allowable for at least the reasons discussed above. Additionally, applicant respectfully submits that the claims are also allowable for at least the reasons discussed above.

Schiff discloses that its central purpose is for processing to occur in the satellite. For example, but not by way of limitation, applicant refers the Examiner to FIGS. 2-3 and the related supporting disclosure. Thus, applicant respectfully submits that Schiff is directed to performing processing in the satellite.

Hreha teaches using the satellite as a bent-pipe, and moving processing activities away from the satellite. For example, but not by way of limitation, applicant refers the Examiner to column 2, lines 28-33, which teaches that the satellite is a *non-processing satellite*. Further, applicant respectfully refers the Examiner to the desirability of avoiding processing in the satellite at column 2, lines 5-15 of Hreha. As explained in the remaining disclosure of Hreha, the topology and architecture of Hreha is substantially different from its background prior art, i.e., the difference between processing in the satellite and using the satellite as only a bent-pipe. See column 4, lines 16-30, which specifically distinguishes Hreha from performing processing in the satellite.

Applicant respectfully submits that the Examiner's proposed combination of Schiff and Hreha is improper for at least the following reasons.

Applicant respectfully submits that Schiff and Hreha teach away from each other. As explained above, Schiff teaches that the processing is to be performed in the satellite, whereas Hreha specifically *teaches away* from performing processing in the satellite. The Examiner must consider the teachings of the reference as a whole, and not only pick and choose those portions of the references that support his or her position. See MPEP 2141.02-03 and *W.L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983). In the present

application, applicant respectfully submits that applicant cannot ignore the overall teachings of Hreha, including those adverse to the proposed combination with Schiff.

For example, but not by way of limitation, Applicant respectfully submits that a consideration of the overall teaching of Hreha reveals that Hreha is primarily directed to moving processing away from the satellite, as discussed above. In contrast, Schiff teaches performing processing at the satellite, as also discussed above. Thus, applicant respectfully submits that Hreha teaches the away from Schiff. In other words, applicant respectfully submits that one skilled in the art at the time of the invention would have viewed Hreha as primarily directed away from satellite processing, and would thus have not been motivated to even further consider, much less combine, Hreha with Schiff. Because it is improper to combine two references that teach away from each other under *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983), applicant respectfully submits that the combination of Schiff and Hreha is improper and should be withdrawn.

Additionally, applicant respectfully submits that Schiff and Hreha cannot be properly combined, because the combination of one into the other would destroy the functionality of the other, as well as rendering it inoperable for its primary intended purpose. First, applicant respectfully submits that by combining the DVB-RC standard as disclosed in Hreha into Schiff, the functionality of Schiff would be destroyed. Schiff is directed to operation at very low bit rates as explained above and in the previous response. Applicant respectfully submits that by attempting to force transmission of data on the DVB-RC standard as disclosed in Hreha into the structure of Schiff, the Schiff reference would be unable to transmit any data at all, because all of the traffic would be backed up due to the low bandwidth transmission rates in Schiff. The

difference between bitrates is on an order of magnitude, and thus a combination is technically not feasible without destroying the functionality of Schiff. Second, if Schiff were modified in a manner disclosed in Hreha, i.e., attempting the bent-pipe architecture of Hreha in Schiff to accommodate the high traffic rate, applicant respectfully submits that Schiff would also not be able to operate for its primary purpose, which is to process communications data in an on-board satellite. See *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)

For at least the foregoing reasons, applicant respectfully submits that the combination of Schiff with Hreha is improper, and thus respectfully requests withdrawal thereof. Accordingly, applicant respectfully requests withdrawal of the rejection, and allowance of claims 9 and 10.

Turning to the rejection of claims 11-14, applicant also respectfully submits that Schiff is not properly combinable with Setoyama for at least the following reasons.

The Examiner argues that the motivation of combining Schiff into Setoyama would be to fit more data into the stream. However, applicant respectfully submits that Schiff and Setoyama do not disclose any desire to fit more data into the stream. Applicant respectfully requests that the Examiner provide applicant with the source of the motivation, and also submits that the references do not teach or suggest fitting more data into the stream.

Further, applicant respectfully submits that as explained above, Schiff teaches transmission via TDMA at low bitrates, and that the design of Schiff is directed to those bitrates. Schiff does not disclose or suggest using a higher bitrate, or supporting any different types of transmissions that would require these higher bitrates.

In contrast, Setoyama is directed to video on demand, including the streaming of movies and the like. Applicant respectfully submits that it would not have been obvious to combine Setoyama with Schiff, due to the substantial difference in the transmission rates.

Accordingly, applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

#### **IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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WASHINGTON OFFICE

**23373**

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Date: November 28, 2006